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November 3, 2023

Hon. Taryn A. Merkl, USDC Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Singh v. Barney's Service Station, Inc. et al
1:23-cv-03881-NRM-TAM

Dear Magistrate Judge Merkl,

Please be advised the above-named firm represents the Plaintiff in the above named Action. I apologize for not being able to write this request for an adjournment of this Court's scheduling of submitting a revised Settlement Agreement by November 9, 2023 and the *Cheeks* Hearing scheduled for 11/14/2023. This request is made to afford the parties to consult and revise the agreement especially give this Court's comments in its November 2, 2023 Order.

Please note, when the Court issued its Order for the Cheeks hearing I was on a plane traveling to Nevada and was unaware of the first Order and the second Order dated November 2, 2023 until today. I have very limited access to my office and communications at this time. I will not be returning to New York until November 8, 2023. More troubling is my secretary is undergoing a back operation today at Winthrop Hospital; and I have been informed that she will require a three-day hospital with an indeterminate recovery period. As a solo practitioner, the absence of my secretary and myself makes it impossible for me to comply with the scheduling Orders of the Court.

Given the obvious corrections required (as pointed out by the Court) it is respectfully requested that the Settlement Agreement be withdrawn until I can communicate with my client

(who does not speak English well enough to speak to me without a translator) and consult with Defendant's attorney. If not, it is respectfully requested that the submission and hearing be adjourned sine die with both be rescheduled upon a letter request by both parties.

Again, I apologize to the Court and appreciate the Court's comments to correct the Agreement.

Thank you for your time and consideration.

Very truly yours,

/s/

Daniel R. Olivieri, Esq.

cc. Paul J. Felicione, Esq.
Attorney for Defendants.